



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

TRG

Docket No: 3522-99

14 October 1999

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 October 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you reenlisted in the Navy on 31 October 1990 for six years. The record shows that you reported aboard the USS HARPERS FERRY (LSD 49) on 2 May 1994. On 24 July 1995 you received nonjudicial punishment (NJP) for drunk driving. The performance evaluation for the period ending 30 November 1995 mentions that because of the NJP you were not recommended for advancement. The next evaluation in the record for the period ending 11 September 1996 states that you were not recommended for reenlistment "due to detachment from sea tour prior to projected rotation date." You were honorably discharged at the expiration of your enlistment on 30 October 1996 and were assigned an RE-4 reenlistment code. At that time you had completed 13 years, 4 months and 8 days of active service.

You contend that you decided not to reenlist because the command neglected to submit the paperwork for a reenlistment bonus and the RE-4 code was assigned because the command was unhappy after you decided not to reenlist. However, you have not submitted anything to support your contentions. The only documentation concerning this matter in the record is the performance evaluation for the period ending 11 September 1996.

The Board was aware that in certain cases where there is the possibility of a future impact on reenlistment bonuses an individual cannot incur additional obligated service prior to transferring to a new duty station. However, those individuals must agree to reenlist or extend their enlistment at the appropriate time. Those individuals are warned that if they fail to abide by their agreement an RE-4 reenlistment code would be assigned.

In the absence of documentation, the Board assumed that such an agreement existed and you were aware that you would be assigned an RE-4 reenlistment code if you did not complete your tour. The Board concluded that your unsupported statement concerning the reenlistment bonus was insufficient to warrant a change in the RE-4 reenlistment code.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director